

AMENDED IN ASSEMBLY MAY 12, 2003

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 329

Introduced by Assembly Member Parra

February 7, 2003

An act to amend, repeal, and add Section 15061 of, and to add Sections 14901.5, 14925.5, 14931.5, 15058, 15058.2, 15058.5, 15058.7, 15058.8, 15058.9, 15059, 15059.5, 15059.6, 15059.7, 15059.8, and 15059.82 to the Food and Agricultural Code, relating to animal nutrition, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 329, as amended, Parra. Animal nutrition.

Existing law declares that it is the intent of the Legislature to enable the feed and feeding industry to ensure in every way possible a clean and wholesome supply of meat, milk, and eggs for the benefit of the consumer, and to, pursuant to regulations or procedures adopted or established by the Secretary of the Department of Food and Agriculture, implement and maintain an efficient program of inspection and analysis of commercial feed. Existing law provides that the secretary shall establish, by regulation, such good manufacturing practices as he or she determines are reasonably necessary to carry out these purposes.

This bill would state legislative findings and declarations concerning the importance of persons providing nutrition consulting services to the commercial feed and feeding industry. This bill would establish a licensure program for ruminant nutritionists and authorize the secretary to adopt regulations to implement the program. This bill would define ruminant nutritionists as persons who have completed a specified curriculum of scientific coursework, as specified. This bill would also create the Ruminant Nutritionist Licensing Advisory Committee, appointed by the secretary, to work in conjunction with the department to develop a qualifying examination, as specified. This bill would provide, in order to maintain licensure as a ruminant nutritionist, 16 hours of continuing education would be required, annually. This bill would provide that it would be a misdemeanor for a licensed ruminant nutritionist to make any recommendation that is contrary to any provision of existing law or any regulation concerning animal feed. Additionally, such a recommendation would be cause for revocation of his or her license. However, this bill would provide that ruminant nutritionist licensing is voluntary. This bill would exempt licensed veterinarians from its provisions.

Existing law provides that a tonnage tax, as specified, shall be collected by the Secretary of the Department of Food and Agriculture per ton of commercial feed sold by any person who distributes commercial feed, as specified.

This bill would provide that, until January 1, 2010, 15% or \$200,000 of the tonnage tax collected *annually*, whichever is greater, may be designated to provide funding for research and education regarding commercial feed.

Because this bill would create a new crime, it would impose a state-mandated local program. Because this bill would impose fees that would be deposited into the Department of Food and Agriculture Fund, a continuously appropriated fund, and would expand the purposes for which funds in a continuously appropriated fund may be spent this bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14901.5 is added to the Food and
2 Agricultural Code, to read:

3 14901.5. The Legislature hereby finds and declares that
4 persons providing nutrition consulting services to the commercial
5 feed and feeding industry are important and that their
6 recommendations impact the well-being of animals and the quality
7 of the meat, milk, and eggs for the benefit of consumers.

8 SEC. 2. Section 14925.5 is added to the Food and Agricultural
9 Code, to read:

10 14925.5. “Consultant-formula feed” means feed
11 manufactured for a consumer-buyer based upon formula or
12 specifications developed for the consumer-buyer by an
13 independent consultant, licensed ruminant nutritionist, or
14 California licensed veterinarian.

15 SEC. 3. Section 14931.5 is added to the Food and Agricultural
16 Code, to read:

17 14931.5. “Licensed ruminant nutritionist” means any person
18 who has satisfactorily completed an accredited four-year
19 university curriculum in animal, dairy, veterinary, or a related
20 science, has exhibited competence in the specialty, secured and
21 provided to the department a certificate of errors and omissions,
22 insurance coverage in the amount of five hundred thousand dollars
23 (\$500,000) or more, and has been issued a license by the
24 department to practice ruminant nutrition in California.

25 SEC. 4. Section 15058 is added to the Food and Agricultural
26 Code, to read:

27 15058. The department may issue a license to ruminant
28 nutritionists as defined in Section 14931.5 who meet the
29 qualifications for licensing specified in this chapter. A ruminant
30 nutritionist license may not be issued to anyone who has not met
31 the qualifications of this chapter. The license shall expire one year
32 after the date on which it was issued. The license shall be the
33 property of the state and the department may suspend or revoke the
34 license if the department determines that the individual holding the

1 license no longer meets the qualifications for ruminant nutrition
2 licensing.

3 SEC. 5. Section 15058.2 is added to the Food and Agricultural
4 Code, to read:

5 15058.2. By December 31, 2004, the department shall, with
6 the assistance of the Ruminant Nutritionist Licensing Advisory
7 Committee, develop an examination that shall qualify individuals
8 who desire to become licensed ruminant nutritionists. The
9 examination shall be updated periodically to reflect current
10 technology and practice in use in the feed and feeding industry.
11 The examination shall be reviewed at least every three years. The
12 department shall administer the examination or designate
13 accredited universities or professional animal nutrition
14 organizations to do so under the supervision of the department.
15 The department shall begin administering the animal nutritionist
16 examination by January 1, 2005. The scheduling of the
17 examination shall be at the discretion of the department. The
18 department may impose a fee to cover the cost of the examination.

19 SEC. 6. Section 15058.5 is added to the Food and Agricultural
20 Code, to read:

21 15058.5. Any individual described below may be issued a
22 ruminant nutritionist license by the department:

23 (a) An individual who has provided evidence that they hold a
24 ruminant nutritionist registration or certification from the
25 American Registry of Professional Animal Scientists and satisfied
26 the educational requirements specified in Section 14931.5.

27 (b) An individual who does not hold a ruminant nutritionist
28 registration or certification from the American Registry of
29 Professional Animal Scientists but who has provided evidence that
30 they have satisfied the educational requirements specified in
31 Section 14931.5 and has passed the qualifying examination
32 administered by the department pursuant to Section 15058.2.

33 (c) An individual who does not meet the educational
34 requirements specified in Section 14931.5 but who is currently
35 practicing ruminant nutrition in California provided that he or she
36 petitioned for, and was granted, an exemption from the educational
37 requirements by the department prior to taking and passing the
38 qualifying examination administered pursuant to Section 15058.2.

39 SEC. 7. Section 15058.7 is added to the Food and Agricultural
40 Code, to read:



15058.7. The secretary may adopt regulations to implement the ruminant nutritionist licensing program described in this chapter.

SEC. 8. Section 15058.8 is added to the Food and Agricultural Code, to read:

15058.8. (a) The secretary shall appoint a Ruminant Nutritionist Licensing Advisory Committee composed of ~~licensed~~ ruminant nutritionists to assist in the implementation of the ruminant nutritionist licensing program. The secretary may also appoint alternates for each of the members. Committee members shall serve for a term of three years and may serve only two consecutive terms.

(b) The Ruminant Nutritionist Licensing Advisory Committee shall do all of the following:

(1) Assist the department in implementing the ruminant nutritionist licensing program described in this chapter.

(2) Assist the department in developing the ruminant nutritionist qualifying examination pursuant to Section 15058.2.

(3) Assist the department in reviewing the evidence of satisfaction of educational requirements submitted by individuals who desire to become licensed ruminant nutritionists.

(4) Assist the department in reviewing the petitions for exemption from the educational requirements specified in Section 14931.5, of individuals who are currently practicing ruminant nutrition in California and who desire to become licensed ruminant nutritionists.

(5) Assist the department in promulgating any regulations necessary to implement the animal nutritionist licensing program described in this chapter.

SEC. 9. Section 15058.9 is added to the Food and Agricultural Code, to read:

15058.9. Ruminant nutritionist licenses shall only be granted to persons who make formal application to the department to become a licensed ruminant nutritionist, who meet qualifications specified in this chapter, and who pay an annual license fee of two hundred dollars (\$200). The department shall develop a ruminant nutritionist license application form and a form for petitioning the department as provided in subdivision (c) of Section 15058.5. Licensed ruminant nutritionists who fail to remit the annual license fee to the department within 90 days of its expiration shall

1 have their licenses suspended or revoked, but the license may be
2 reinstated upon payment of the license fee and an additional late
3 fee which shall be 10 percent of the license fee.

4 SEC. 10. Section 15059 is added to the Food and Agricultural
5 Code, to read:

6 15059. The department shall issue a ruminant nutritionist
7 license to those individuals who have applied to the department to
8 become a licensed ruminant nutritionist and who have met the
9 qualifications specified in this chapter within 90 days of their
10 application. No ruminant nutritionist licenses shall be issued by
11 the department until and unless the department has developed and
12 begun administering the ruminant nutritionist license qualifying
13 examination pursuant to Section 15058.2.

14 SEC. 11. Section 15059.5 is added to the Food and
15 Agricultural Code, to read:

16 15059.5. Beginning on January 1, 2006, no individual shall be
17 issued a ruminant nutritionist license unless he or she holds a B.S.,
18 M.S., Ph.D., or D.V.M. in animal, dairy, veterinary, or a related
19 science and he or she has passed the ruminant nutritionist
20 qualifying examination. Individuals holding a B.S., M.S., Ph.D.,
21 or D.V.M. in animal, dairy, veterinary, or a related science may
22 receive a provisional license for one year pending his or her
23 passage of the qualifying examination administered by the
24 department pursuant to Section 15058.2.

25 SEC. 12. Section 15059.6 is added to the Food and
26 Agricultural Code, to read:

27 15059.6. In order to maintain licensure as a ruminant
28 nutritionist by the department, licensed individuals must complete
29 16 hours of continuing education coursework approved by the
30 department, each year. A licensed individual must submit
31 evidence of completion of continuing education coursework to the
32 department within 90 days of the expiration of their license,
33 annually. If the continuing education requirement is not met, the
34 license shall be suspended or revoked until the requirement is
35 satisfied and evidence of satisfaction has been submitted to the
36 department. An individual whose license has been revoked may
37 reapply for licensure and be issued a license if he or she meets all
38 of the educational requirements specified in this chapter and has
39 passed the ruminant nutritionist license qualifying examination
40 administered by the department pursuant to Section 15058.2.

1 SEC. 13. Section 15059.7 is added to the Food and
2 Agricultural Code, to read:

3 15059.7. A licensed ruminant nutritionist shall not make any
4 recommendation that is contrary to any provision of this chapter
5 or any regulation adopted pursuant to it. A contrary
6 recommendation shall be a violation of this chapter, punishable as
7 provided in Section 15071 and shall be cause for revocation of the
8 ruminant nutritionist's license.

9 SEC. 14. Section 15059.8 is added to the Food and
10 Agricultural Code, to read:

11 15059.8. No person shall call himself or herself a "licensed
12 ruminant nutritionist" unless he or she is licensed pursuant to the
13 provisions of this chapter. A violation of this section is a crime
14 punishable as provided in Section 15071 and is also subject to
15 imposition of civil penalties pursuant to Section 15071.5.

16 SEC. 15. Section 15059.82 is added to the Food and
17 Agricultural Code, to read:

18 15059.82. Ruminant nutritionist licensing is strictly
19 voluntary and nothing in this chapter shall be construed to require
20 any individual to secure a ruminant nutritionist license to make
21 recommendations regarding ruminant nutrition. California
22 licensed veterinarians are exempted from provisions concerning
23 ruminant nutritionist licensing.

24 SEC. 16. Section 15061 of the Food and Agricultural Code is
25 amended to read:

26 15061. (a) An inspection tonnage tax at the maximum rate of
27 fifteen cents (\$0.15) per ton of commercial feed sold, except whole
28 grains, and whole hays when unmixed, shall be paid to the
29 secretary by any person who distributes commercial feed to a
30 consumer-buyer in this state. The distributor shall also pay an
31 inspection tonnage tax for purchased commercial feed fed to his
32 or her own animals.

33 (b) The secretary may, based upon a finding and
34 recommendation of the Feed Inspection Advisory Board,
35 determine the specific rate necessary to provide the revenue
36 needed to carry out the provisions of this chapter. The secretary
37 and the Feed Inspection Advisory Board shall not exceed the
38 maximum tonnage rate established by this section. Setting the
39 tonnage tax rate shall not be subject to Chapter 3.5 (commencing

1 with Section 11340) of Part 1 of Division 3 of Title 2 of the
2 Government Code.

3 (c) The secretary may, based upon a finding and
4 recommendation of the Feed Inspection Advisory Board,
5 designate 15 percent ~~of the tonnage taxes collected~~, or two hundred
6 thousand dollars (\$200,000) *of the tonnage taxes collected*
7 *annually*, whichever amount is greater, to provide funding for
8 research and education regarding the safe manufacture,
9 distribution, and use of commercial feed.

10 (d) This section shall remain in effect only until January 1,
11 2010, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, 2010, deletes or extends that date.

13 SEC. 17. Section 15061 is added to the Food and Agricultural
14 Code, to read:

15 15061. (a) An inspection tonnage tax at the maximum rate of
16 fifteen cents (\$0.15) per ton of commercial feed sold, except whole
17 grains, and whole hays when unmixed, shall be paid to the
18 secretary by any person who distributes commercial feed to a
19 consumer-buyer in this state. The distributor shall also pay an
20 inspection tonnage tax for purchased commercial feed fed to his
21 or her own animals.

22 (b) The secretary may, based upon a finding and
23 recommendation of the Feed Inspection Advisory Board,
24 determine the specific rate necessary to provide the revenue
25 needed to carry out the provisions of this chapter. The secretary
26 and the Feed Inspection Advisory Board shall not exceed the
27 maximum tonnage rate established by this section. Setting the
28 tonnage tax rate shall not be subject to Chapter 3.5 (commencing
29 with Section 11340) of Part 1 of Division 3 of Title 2 of the
30 Government Code.

31 (c) This section shall become operative on January 1, 2010.

32 SEC. 18. No reimbursement is required by this act pursuant
33 to Section 6 of Article XIII B of the California Constitution
34 because the only costs that may be incurred by a local agency or
35 school district will be incurred because this act creates a new crime
36 or infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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